



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,975	06/11/1999	ANDREW EDWARD RYAN	UDL-078	1088

7590 01/16/2004

DAVID P GORDON ESQ  
65 WOODS END ROAD  
STAMFORD, CT 06905

EXAMINER
----------

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 01/16/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/330,975

Applicant(s)

RYAN, ANDREW EDWARD

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1 and 14 have been amended, and new claims 16-30 have been added.  
Claims 1-30 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 9, 10, 12, 13 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
  - i. the order – claims 3, 12, 13, 18;
- b. The claim language in the following claims is not clearly understood:
  - i. as to claims 9 and 10, line 3, it is not clearly understood what is meant by “the or each key image”;

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US 5,608,387), in view of Yamamoto (US 5,928,364).

6. Davies was cited in IDS, PTO-1449 (paper #2).

7. As to claims 1, 14, 16 and 29, Davies discloses substantially as claimed, including a distributed client/server computer network (col. 8, lines 3-4 and 24-26), said network comprising:

a client (31-34, 36, 41, 42, 44, 45, 51-53, 55, 64, 65, fig. 4; col. 5, line 40 – col. 6, line 33); and a remote server (61-63, 66, 67, fig. 4; col. 4, lines 20-23; col. 6, lines 34-48; col. 8, lines 24-26);

means for displaying at least two of said complex images (fig. 2; col. 4, lines 14-17 and 41-53; col. 5, lines 1-21);

means for selecting at least one complex image from said complex images displayed (col. 3, lines 8-16; col. 4, lines 46-58; col. 5, lines 11-21; col. 7, lines 5-18);

means for determining by said remote server, from the identity of each complex image selected, whether the client is authorized to gain access, via the remote server, to a network resource (col. 1, lines 9-10; col. 5, lines 58-61; col. 6, lines 38-42).

Art Unit: 2154

Davies does not specifically disclose non-volatile means in said client for storing a plurality of complex images, each of said complex images having an identity.

However, Davies discloses the client receives a plurality of complex images, each of said complex images having an identity from the server and displays the information on the client display (fig. 2; col. 4, lines 41-53; col. 5, lines 1-21). Yamamoto discloses non-volatile means in said client for storing a plurality of complex images (13-16, fig. 1; col. 1, lines 61-67; col. 2, lines 37-40 and 60-67; col. 3, lines 1-25; col. 6, lines 23-44). It would have been obvious to one of ordinary skill in the art the time the invention was made at the time the invention was made to combine the teachings of Davies and Yamamoto because Yamamoto's non-volatile memory in client would improve the capability of Davies's system by allowing the client to store the desired data that requires large amount of memory.

Davies does not specifically disclose means for transmitting the identity of said selected complex image or images from client to said remote server. However, Davies discloses client selecting a complex image displayed on the client's I/O devices (col. 3, lines 8-16; col. 4, lines 46-58; col. 5, lines 11-21; col. 7, lines 5-18), and then server comparing the identity of the selected complex image with the data stored in the server's database to check the client is the authorized user (col. 1, lines 9-10; col. 5, lines 58-61; col. 6, lines 38-42). It would have been obvious to one of ordinary skill in the art the time the invention was made to include transmitting the data from client to the server because without sending the data to the server, the server can not able to determine whether the

Art Unit: 2154

client is allowed or denied to access the resource (Davies, col. 2, lines 26-35; col. 5, lines 58-61; col. 6, lines 38-42).

8. As to claim 2, Davies discloses at least one key image and at least one dummy image, access to the network resource being gained by the client by selecting the or each key image in preference to the or each dummy image (col. 4, lines 20-23).

9. As to claims 3, Davies discloses the order in which two or more images are selected is used to determine whether the client is authorized to gain access to the resource (col. 4, lines 32-40).

10. As to claims 4, 6, 7 and 9-11, Davies discloses the dummy images comprise a subset of the reminder of the plurality of images from which the or each key image is chosen (col. 3, lines 8-16); and an alternative set of images to those from which the key image or images are chosen, but which images bear a resemblance to the key image or images (col. 7, lines 61-65).

11. As to claim 5, 8 and 15, Davies discloses the plurality of images are down-loaded from the server to the client (fig. 2; col. 4, lines 41-53; col. 5, lines 1-21).

Art Unit: 2154

12. As to claims 12 and 13, Davies discloses the order in which two or more images are chosen determines the order in which the images must subsequently be selected (col. 8, lines 52-61).

13. As to claims 17-28 and 30, they are rejected for the same reasons set forth in claims 1-16 above.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Valadier, patent 5,754,675, Smithies et al, patent 5,818,955 disclose method and apparatus for checking identity of person images.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or


Application/Control Number: 09/330,975

Page 7

Art Unit: 2154

proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang  
January 12, 2004



ZARNI MAUNG  
PRIMARY EXAMINER